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9

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 CAROLINE JOANNE HERRLING,
aka "Carrie Phenix,"

16 Defendant.
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No. 2:23-CR-59-MEMF

GOVERNMENT'S SENTENCING
POSITION; DECLARATION OF
INSPECTOR VERSOZA; EXHIBITS

Sentencing: February 9, 2024
2:00 p.m.

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I. PROBATION CORRECTLY CALCULATED DEFENDANT'S GUIDELINE RANGE

The government concurs in the findings and recommendation of the Presentence Report ("PSR").

On September 6, 2023, defendant objected by email to most of the guideline calculations of the Probation Office. Below, the government responds to defendant's emailed objections:

A. THE +18 LOSS ENHANCEMENT WAS CALCULATED CONSERVATIVELY

The Probation Office conservatively determined that "Herrling is responsible for a total loss of \$3,887,051." (PSR ¶ 71(c).) Defendant did not dispute the loss amounts for the Wilding estate (\$447,051) or the Tascon property (\$1.5 million), but argued that there should be no loss at all for the Lowenstein estate (\$1,940,000):

The Lowenstein residence was sold in a public auction sale by the court appointed public administrator for the Lowenstein estate. The funds from the sale continue to be held by the Public Administrator until a final accounting is completed by the probate court. The property was sold for above market value without any fraud or concealment. Defendant's alleged fraudulent conduct with the Lowenstein estate had absolutely no effect in the legal and lawful sale of the Lowenstein residence. The sale was sanctioned by an independent public administrator and approved by the Court. The \$1,940,000 should not be considered in the loss calculation. Accordingly, the loss is more than \$1,500[,000] but less than \$3,500[,000] and should be a 16-level increase as opposed to an 18-level increase as referenced in the pre-sentence report.

While defendant does not concede that her attempted takeover of the Lowenstein estate was fraudulent ("Defendant's *alleged* fraudulent conduct . . ."), that does not seem to be the gravamen of her objection. Instead it appears to be that Lowenstein's residence was sold for a fair price, and that the "funds from [its] sale continue to be held by the Public Administrator. . . ." In short,

1 defendant argues that because she was arrested before she was able
2 to gain control of the Lowenstein property sale proceeds, she should
3 not be punished for attempting to steal them.

4 Defendant appears to be confused by the difference between
5 "actual loss" and "intended loss." Defendant is correct that
6 because her efforts to steal the Lowenstein estate were frustrated,
7 there ultimately may be little in actual losses associated with it.¹
8 But the guidelines reasonably hold defendants accountable not only
9 for what they succeed in doing, but also for what they attempt to
10 do.

11 The Guidelines provide that "loss is the greater of actual loss
12 or intended loss." USSG § 2B1.1, app. note 3(A) (emphasis added).
13 "Intended loss," in turn, "means the pecuniary [i.e., monetary] harm
14 that the defendant purposely sought to inflict." USSG § 2B1.1, app.
15 note 3(A)(ii). Here, by forging a will that left the Lowenstein
16 estate to Charles Wilding—whose identity defendant controlled
17 through a forged power of attorney form—defendant clearly intended
18 to steal the full value of the estate, and would have done so if her
19 fraud had not been detected. (PSR ¶¶ 38–41.) Accordingly, even if
20 the Lowenstein estate later recovers the \$1,940,000 in proceeds from
21 the sale of the residence, defendant would still be responsible for
22 that figure as intended loss.

23
24 ¹ Currently the Lowenstein estate has been deprived of its real
25 property, and has not yet received any proceeds from its sale
26 because the forged will defendant submitted has halted the
27 legitimate distribution of the proceeds. It is to be hoped that
28 eventually the proceeds will be distributed to the rightful heirs,
and that the estate will merely be out of pocket the accounting and
legal fees necessary to straighten out defendant's fraud, as well as
the cost of the art and other collectibles defendant and her
conspirators stole from the estate.

1 **B. THERE WERE MORE THAN 10 VICTIMS**

2 Defendant contends that the Probation Office erred in finding
3 that there were at least 10 victims of the fraud, triggering a two-
4 level enhancement under Section 2B1.1(b) (2) (A) (i). (PSR ¶ 71(f) -
5 (h).) In cases involving identity theft, such as this one, the
6 guidelines define "victim" in two ways, either one of which is
7 sufficient. First, the term "victim" includes "any person who
8 sustained any part of the actual loss," where "person" includes
9 "individuals, corporations, companies, associations, firms,
10 partnerships [etc.]." USSG § 2B1.1, app. note 1, definitions.
11 Second, only in cases involving "means of identification," e.g.
12 identity theft, "victim" also includes "any individual whose means
13 of identification was used unlawfully or without authority." USSG §
14 2B1.1, app. note 4(E). Third, in cases where a decedent's estate
15 has been victimized, the heirs who should have received the estate
16 count as victims, too. See, United States v. Santarelli, 604
17 Fed.Appx. 164, 169 (3rd Cir. 2015) (rejecting defendant's claim that
18 "the only victim is Striminsky's estate" and affirming the district
19 court's counting as victims all "the beneficiaries in the will" who
20 received nothing due to the fraud, and who numbered more than 10).

21 Here, the Probation Office identified 21 individuals whose
22 identities were used without authority, far exceeding the 10
23 necessary for the enhancement. (PSR ¶ 71(g).) Defendant speculates
24 that some of the identities which were recovered from her residence
25 might have belonged to others "since the house was used as a sober
26 living location where multiple people resided," and complains that
27 how these identities were used was not always clear from the PSR.
28 But the PSR is not supposed to include evidentiary detail on each

identity; it is meant as a summary for the Court. If defendant contends that there were fewer than 10 victims, it is incumbent upon her to offer evidence to support her position, not merely to be obstructionist and claim that the PSR should have provided more details.

Rule 32[] imposes certain requirements upon the defendant [including] that where factual inaccuracy [in the PSR] is alleged, the defendant has the burden of introducing, or at least proffering, evidence to show the inaccuracy.

United States v. Roberson, 896 F.2d 388, 391 (9th Cir. 1990) (rejecting defendant's claim that the district court failed to resolve disputed facts when defendant "failed to proffer or to present . . . a factual scenario at odds with that set forth in the pre-sentence report"). See also, United States v. Miller, 588 F.2d 1256, 1266-7 (9th Cir. 1978) (affirming the district court's adoption of the presentence report when defendant's objections consisted only of "his counsel's bare assertion . . . that the information [in the presentence report] is incorrect"):

When a defendant has within his capacity the means to dispute the information presented by the government to the probation officer conducting a presentence investigation and chooses to remain silent, he cannot demand that the trial court disregard the government's version of the facts.

Regardless, just the complaint that defendant received makes clear that the conspiracy involved the use of the identities of more than 10 persons, some of which are listed below:

Undisputed Victims Whose Identities Defendant Stole

1. June Wilding
2. Charles Wilding

3. Robert Tascon

4. Jackie Shields Lowenstein

Lawyers/Notaries in the Complaint Whose Identities Defendant Forged

5. Abraham Kanaan (Comp. Aff. ¶ 54-55)

6. Hamid Soleimanian (Comp. Aff. ¶ 56-59)

7. Behrooz Yasharel (Comp. Aff. ¶ 23)

8. Melvin Kreger (Compl. Aff. ¶ 38)

Heirs Who Lost Their Inheritance

9. Miracle Williams (Exh. page 9: beneficiary of Robert Tascon will)

10. Lawrence Eckert (Versoza Decl. ¶ 6 and Exh. page 7: Wilding heir)

11. Pamela Sokol (same)

12. Susan Smith (same)

13. Christine Nealy (Versoza Decl. ¶ 7, Jackie Lowenstein heir who suffered the theft of her collectibles and other personal property)

Companies That Sustained Losses

14. Wells Fargo Bank (defrauded by post-death charges on Charles Wilding credit card, see Compl. Aff. ¶ 49)

15. Citibank (same)

16. Fidelity National Title Insurance Company (spent \$613,678.18 resolving lawsuit over policy for Robert Tascon property, exh. pages 5-6.)

Additional Victims Whose Identities Defendant Used:

17. Jocelyn Korchak (Versoza Decl. ¶ 8, individual whose identity was misused as a purported witness on the forged Lowenstein will)

1 Finally, the same +2 enhancement under Section 2B1.1(b) (2) (A)
 2 applies in another way as well because it also "resulted in
 3 substantial financial hardship to one or more victims." USSG §
 4 2B1.1(b) (2) (A) (iii). As described in more detail below, defendant
 5 stole Robert Tascon's house, his last significant asset, which
 6 precipitated his suicide. It is hard to imagine a clearer example
 7 of "substantial financial hardship."

8 **C. DEFENDANT ABUSED A POSITION OF TRUST**

9 The Probation Office determined that defendant abused a
 10 position of trust in two separate ways, either one of which would be
 11 sufficient to trigger the enhancement under Section 3B1.3. First,
 12 she forged a power of attorney form that gave her the discretion to
 13 dispose of Charles Wilding's assets in any way she saw fit. Second,
 14 she pretended to be an actual attorney in order to sell the real
 15 property belonging to Robert Tascon. (PSR ¶¶ 74-80.)

16 Defendant does not dispute the facts upon which the Probation
 17 Office relied, but argues that the enhancement only applies if
 18 Charles Wilding or Robert Tascon personally were deceived by
 19 defendant:

20 Defendant never made representations to the alleged
 21 victims themselves, nor provided any indicia to the
 22 victims that she legitimately held a position of trust in
 23 order to fool the alleged victims, June Wilding, Charles
 24 Wilding, Robert Tascon and Jackie Lowenstein. Defendant
 was never legitimately put in any position of trust by the
 alleged victims. A victim must know what the defendant is
 doing and trust the defendant.

25 Defendant offers no support for her position, which is inconsistent
 26 with the plain language of Section 3B1.3.

27 That enhancement states, "If the defendant abused a position of
 28 public or private trust . . . in a manner that significantly

1 facilitated the commission or concealment of the offense, increase
2 by 2 levels." USSG § 3B1.3. Nothing in this language requires that
3 the "victim must know what the defendant is doing and trust the
4 defendant," as defendant asserted without authority. Indeed,
5 defendant's claim has been implicitly rejected by the Ninth Circuit
6 in United States v. Foreman, 926 F.2d 792, 796 (9th Cir. 1990). In
7 that case, Foreman was smuggling cocaine hidden beneath her clothes
8 through LAX when DEA agents stopped her for acting suspiciously.
9 Foreman was a sworn police officer who attempted to deflect the
10 agents' suspicion by showing them her badge, which the district
11 court found warranted the abuse of position of trust enhancement.
12 On appeal, Foreman argued that Section "3B1.3 is . . . inapplicable
13 to her because she did not abuse any special privilege accorded her
14 as a police officer by showing her badge and police identification
15 to the investigating officers." The Ninth Circuit rejected this
16 argument:

17 We find no merit in this argument. Notwithstanding that
18 having a police badge itself may be a special privilege,
19 the adjustment in § 3B1.3 is for "abuse of a position of
20 trust." The guideline does not expressly limit such abuse
21 to special privileges accorded to one with a position of
22 trust, nor do we believe that such a limitation can be
23 inferred. More specifically, police officers are accorded
24 public trust to enforce the law. The public, including
25 fellow law enforcement agents, expect that police officers
26 will not violate the laws they are charged with enforcing.
27 Foreman took advantage of that trust to make it easier for
28 her to conceal criminal activity. We believe that this is
precisely the type of situation contemplated by § 3B1.3 as
an abuse of position of public trust.

(Id.) Foreman undercuts defendant's argument in at least two ways.
First, it rejects reading into Section 3B1.3 requirements that are
not found in its text, as defendant asks this Court to do. Second,
it is plainly inconsistent with defendant's claim that the "victim

1 must know what the defendant is doing and trust the defendant."

2 There were no identifiable victims in Foreman, and no one knew what
3 Foreman was doing.

4 It is common knowledge that an attorney has a fiduciary duty to
5 her client, and must act at all times in the best interest of her
6 client. Here, defendant took advantage of that understanding when,
7 purporting to be "Carrie Phenix" the attorney for victim Robert
8 Tascon, she negotiated the cut-rate sale of real property on behalf
9 of her absent client. Those involved in the purchase would
10 naturally have scrutinized the transaction if it were not for the
11 fact that defendant, posing as Robert Tascon's lawyer, lulled them
12 into thinking it was legitimate by her purported legal training,
13 professionalism, and duty to her client. Otherwise, the purchaser,
14 broker, and escrow company would have wondered: (1) Why was Robert
15 Tascon absent? (2) Why was he willing to accept such a low price?
16 (3) Why was it imperative that the deal close so quickly? (4) Why
17 did Robert Tascon want the bulk of the proceeds from the sale wired
18 to an account held by Caroline Herrling and Jason Kroth? It is
19 scarcely believable that the fraud could have been completed without
20 the reassuring presence of Robert Tascon's "lawyer," "Carrie
21 Phenix," who answered these questions and occupied a position of
22 both public trust (as a lawyer) and private trust (as a fiduciary to
23 Robert Tascon).

24 **D. DEFENDANT WAS AN ORGANIZER AND LEADER OF AT LEAST FOUR**
25 **OTHER PARTICIPANTS**

26 Here, the Probation Office found that defendant was the
27 organizer and leader of six different persons (PSR ¶ 84), two more
28 than is necessary to support the four-level enhancement under

1 Section 3B1.1(a). In her emailed objections, defendant claimed she
 2 "was not a leader or organizer" and that instead "Jason Kroth and
 3 James Kantor asserted control over the defendant." Defendant
 4 offered no evidence to support her assertions.

5 1. Defendant directed the activities of Kroth

6 The only specific allegation defendant made in her emailed
 7 objections was that "Kroth hired a person by the name of Payton to
 8 act as Wilding." The government agrees with defendant that Kroth
 9 had a supervisory position over Payton, but that in no way helps
 10 defendant. First, as the leader and organizer of the conspiracy,
 11 defendant can be held responsible for the actions of Payton even
 12 though Kroth was his immediate supervisor:

13 [Section] 3B1.1(a) does not require a defendant to
 14 personally supervise each participant. The section simply
 15 states that an adjustment occurs if a defendant was an
 "organizer or leader of a criminal activity that *involved*
 five or more participants...."

16 United States v. Smith, 924 F.2d 889, 896 (9th Cir. 1991) (emphasis
 17 in original). Second, even assuming for the sake of argument that
 18 Kroth was defendant's equal in the conspiracy, that would not
 19 prevent her from receiving the four-level role enhancement. "There
 20 can, of course, be more than one person who qualifies as a leader or
 21 organizer of a criminal association or conspiracy." USSG § 3B1.1,
 22 app. note 4. Cf., United States v. Monroe, 943 F.2d 1007, 1019 (9th
 23 Cir. 1991) (affirming organizer and leader enhancement for Monroe:
 24 "The fact that Bender and McCabe played a leadership role in the
 25 initial phases of the conspiracy is not dispositive. The guidelines
 26 commentary notes that there can be more than one leader or
 27 organizer.")

1 Defendant and Kroth may have started the conspiracy as
2 partners. They were romantically involved. And both were essential
3 to the success of the scheme. Kroth discovered victim Charles
4 Wilding, and saw the potential for a big score. But he knew that
5 only defendant could make it a reality, and it was she who guided
6 the conspiracy to the success that it had. Their communications
7 show that defendant was organized, competent, and got things done--
8 often through others--while Kroth was unreliable and over time was
9 marginalized in their conspiracy.

10 In an early text exchange, Kroth asked defendant "what's going
11 on with the check and the other thing that came in the mail?", and
12 defendant brusquely told him off:

13 I told you there can't be anymore distributions until the
14 Heggstad Petition is granted. That hearing is now on
April 26th.

15 I totally risked it giving out even the last distribution
16 bc ultimately I'm legally responsible for it and will
17 personally [be] held accountable for it if the court were
to order an accounting for the estate. The risk is
significantly reduced if the Heggstad petition is granted.

18 Kroth meekly replied "Ok". (Versoza Decl. ¶ 2.)

19 In another exchange that defendant saved as a screenshot on her
20 phone, Kroth praised defendant's competence and role in the scheme,
21 but reminded her that the scheme started with his finding the
22 victim, so Kroth should not be forgotten:

23 And yeah your role has gotten bigger and bigger and all
24 this you're taking on more and more of a role and
25 responsibility and stepped up [to] the plate and to be
26 honest with you I am amazed at you but it should never
diminish what started this [i.e., that Kroth found the
perfect victim in Charles Wilding]

27 Ultimately, defendant lost patience with Kroth both personally
28 and as a co-conspirator:

1 I decided my New Years resolution after you completely
2 blew me off and didn't come back to help me [dispose of
3 Wilding's body] like you said you would causing me to miss
4 the fireworks and left to spend NYE alone. For 3 days not
5 a single word from the person who not only claims to care
6 about me but also made a commitment in return for
7 significant financial gain [a share of the fraud
8 proceeds]. This was just the icing on the cake made with
9 a batter of lies and let downs. You requested support
10 without putting any effort in return. I wasn't asking you
11 to love me just be honest with me. I literally handed you
12 the ability to forever change your life in a way most can
13 only dream about [i.e., hundreds of thousands of dollars
14 from their fraud] yet you don't even bother giving me the
15 most basic respect.

16 I'm done.

17 (Versoza Decl. ¶ 2.)

18 Defendant decided to minimize Kroth's role in the conspiracy
19 and to use instead her own team of more competent co-conspirators:

20 Just so you know, I'm not trying to change you so in the
21 future please know that there is nothing you need to do.
22 it easier for me to just handle it with my team of people-
23 Hadley [defendant's assistant], Good James, Randy &
24 Jonathan [Wilkins, who supplied the sailboat to dispose of
25 Mr. Wilding's remains] than constantly have to chase after
26 you or not being able to rely on it getting done. This
27 doesn't mean I'm excluding you or think you are a bad
28 person. Obviously, I hold a special place in my heart for
you but I just need things to be reliable and efficient or
shit doesn't get done and money isn't [sic: is] wasted. I
hope you understand.

29 (Versoza Decl. ¶ 2.)

30 2. Defendant directed the activities of Kantor

31 Defendant claims that James Kantor actually told her what to
32 do, not the other way around:

33 James Kantor was the person who created all the legal
34 documents used in the fraud. It was James Kantor who
35 instructed defendant as to the entire process for filing
36 estate documents and gave her instructions about hiding
37 Wilding's body.

38 It is true that Kantor, through his years of litigation over
39 wills and estates with his own family, had a greater knowledge

1 of the related legal documents than did defendant. But arguing
2 that that made him the leader, and defendant the subordinate,
3 is absurd. It is akin to arguing that a methamphetamine cook
4 ranks higher than the drug lord who employs him because the
5 methamphetamine cook tells the drug lord what chemicals he
6 needs to buy.

7 Here, there are myriad examples that show that defendant
8 was in control, and Kantor a subordinate who brought some
9 technical skill to the conspiracy. Often they fought about
10 money, with defendant first threatening to cut Kantor's share
11 of the fraud proceeds:

12 HERRLING: Btw, your little shit-fit departure today was
13 witnessed by the neighbor lady and her 2 toddlers.
14 Definitely not a good look and puts things at risk **so be
professional if you expect to be paid like a professional**
and stop fucking with my life.

15 KANTOR: Are you threatening to not pay me? Oh hell no.

16 HERRLING: That's not what I was doing

17 KANTOR: You better think twice with that forged document
18 in court..

(Versoza Decl. ¶ 2, emphasis added.)

19 Later, defendant explicitly cut Kantor's share of the fraud
20 proceeds, which caused him to threaten to call the police in a
21 failed attempt at blackmail. (It failed because defendant's
22 assistant recorded a call Kantor made threatening blackmail, and
23 then sent Kantor the recording, making clear that if the police were
24 involved, Kantor would be a defendant, too.) In the following
25 exchange, Kantor argues that it is unfair for defendant to cut his
26 compensation after he has already made the fraudulent documents, and
27
28

1 defendant explains that Kantor did not help her dismember the body
2 of Charles Wilding, so failed to live up to her expectations:

3
4 KANTOR [You] Tried to change the amount of my
compensation in the middle [of the fraud].

5
6 HERRLING James, You didn't do the shit that you were
supposed to do.

7
8 KANTOR So that doesn't need to change my
compensation deal like that.

9
10 HERRLING There is no deal, but it required you to do
something [help dispose of Wilding's body]
11 to get a third.

12
13 KANTOR No.

14
15 HERRLING Yes, it did.

16
17 (Versoza Decl. ¶ 2.)

18
19 While defendant's control over Kantor is implicit in her
20 cutting his share of the proceeds, Kantor actually made it explicit
21 when he called her a "bad leader":

22
23 HERRLING I'm not threatening either one of you. I'm
just saying that to say.

24
25 KANTOR That we don't deserve our compensation.
26 **Not only are you being a bad leader** and a
27 bad partner, but you're threatening us.
28 That's considered threatening because you
have the right to do it.

HERRLING Well, when I have to go do the job because
it doesn't get done.

KANTOR What you what I make you nothing of what I
need, what I'm doing. So how is it that
you have to go do the job?

1 HERRLING There was many jobs that I had to go do.

2 KANTOR Because I didn't do them.

3 HERRLING There was one particular [job] that we
4 keep passing over [i.e., dismembering
5 Charles Wilding].

6 KANTOR Me having to come back to do it with you.
7 You said, No. [Kantor offered to help
8 defendant, but only after he had already
9 returned to Georgia and so could not do so
10 quickly]

11 HERRLING I waited for you to do it with me. We were
12 both here. You were here in town for two
13 weeks.

14 KANTOR I was waiting and it wasn't happening.

15 HERRLING But it doesn't happen when you don't make
16 it happen because you were supposed to
17 make it happen.

18 KANTOR I was ready.

19 (Versoza Decl. ¶ 2, emphasis added.)

20 3. Wilkins was a criminal participant who answered to
21 defendant

22 Defendant argued in her emailed objections that "Wilkins was
23 not a co-conspirator" because he did not act "with the requisite
24 intent to commit wire or mail fraud." But Section 3B1.1 does not
25 require that Wilkins have participated in the conspiracy from the
26 beginning through the end. It is not disputed that Wilkins used his
27 sailboat to transport defendant, her assistant, and the remains of
28 Charles Wilding away from the shore so that defendant could dispose
of his chopped up body where it would never be found. (PSR ¶¶ 34-
35, 84(d).) That is enough for Wilkins to come within the
Guidelines definition of a "participant" in the offense:

1 [J]ust as a party who knowingly assists a criminal
2 enterprise is criminally responsible under principles of
3 accessory liability, a party who gives knowing aid in some
4 part of the criminal enterprise is a "criminally
5 responsible" participant under [Section 3B1.1 of] the
6 Guidelines.

7 United States v. Hall, 101 F.3d 1174, 1178 (7th Cir. 1996)

8 (collecting cases holding the same from other circuits). Further,
9 defendant arranged to pay Wilkins for his help. (Versoza Decl. ¶¶
10 2, and 4.)

11 4. Salinas was a criminal participant in a crime
12 organized by defendant

13 In her emailed objections, defendant asserts that "Kenneth
14 Salinas was not controlled or supervised by the defendant" and that
15 "it was Jason Kroth who provided Salinas with a script to use if the
16 police came to his house and asked about Mr. Wilding." Defendant
17 has offered no evidence to support her assertion that Jason Kroth
18 provided Mr. Salinas with a script to follow in talking to the
19 police to make it appear that Charles Wilding was alive and well on
20 vacation, and supported defendant's disposition of his assets. But
21 it would not matter if Kroth had. Defendant personally paid Salinas
22 \$5,000 to misdirect the police (Compl. Aff. ¶ 17-18, and PSR ¶
23 84(e)), which is more than enough to show that he was one of her
24 subordinates.

25 5. Shtolzberg was a criminal participant in a crime
26 organized by defendant

27 Defendant asserts without evidence in her emailed objections
28 that "Samuel Shotlzberg [sic] is not a participant in the charged
criminal activity," and so cannot support her leader and organizer
enhancement. Shtolzberg was defendant's live-in boyfriend, and a
participant in her scheme. Indeed, the counterfeit identity

documents used to deceive the notary into believing that the imposter was actually Robert Tascon were found on Shtolzberg's phone. (PSR ¶¶ 66, 84(f), Compl. Aff. ¶ 72.) Further, defendant asked Shtolzberg to help her obstruct justice by getting her home put into another person's name to avoid forfeiture, and falsely implicating Kroth for the counterfeit Robert Tascon identification. (PSR ¶¶ 66, 67, 97.)

6. There were other criminal participants in the conspiracy organized and led by defendant

While we do not know his name, defendant arranged to have an imposter pretend to be Robert Tascon before the notary who notarized defendant's "power of attorney" form for Tascon. (Compl. Aff. ¶ 72.) The photograph on the counterfeit identity document makes clear that the imposter was not any of defendant's subordinates that were already discussed.

Moreover, defendant herself texted Kroth that because he was unreliable, she would rely on her own team rather than Kroth, and listed as her team members two persons not counted among her subordinates, namely "Randy" and "Good James":

. . . it easier for me to just handle it with my team of people-Hadley, Good James, Randy & Jonathan than constantly have to chase after you or not being able to rely on it getting done. . . .

(Versoza Decl. ¶ 2.)

E. DEFENDANT ATTEMPTED TO OBSTRUCT JUSTICE IN MYRIAD WAYS

The Probation Office found that defendant "obstructed or impeded, or attempted to obstruct or impede, the administration of justice in a number of ways." (PSR ¶ 60.) Indeed, defendant did so in several ways, each of which was sufficient independently to warrant the enhancement.

1 First, defendant "called Samuel Shtolzberg (Shtolzberg) and
2 suggested that Shtolzberg [falsely] tell law enforcement that the
3 fake Tascon I.D. that was found in his possession was obtained from
4 Kroth." (PSR ¶ 66.) Defendant knew this was false because the
5 "I.D. was actually obtained at the direction of Herrling." (Id.)
6 Attempting to get a witness to falsely implicate another, of course,
7 constitutes obstruction of justice. USSG § 3C1.1, app. note 4(A)
8 (the obstruction enhancement applies to "unlawfully influencing a
9 co-defendant, witness . . . or attempting to do so.")

10 Second, when law enforcement was investigating the
11 disappearance of Wilding, defendant purchased a burner phone which
12 she falsely claimed to law enforcement and the courts was Wilding's,
13 in order to bolster her lie that he was alive and gave her power of
14 attorney to manage his affairs. (Complaint Aff. ¶ 14 and 20; PSR ¶
15 61.) She also "hired and paid individuals to pretend to be Wilding"
16 or to have seen him "to hide the fact that Wilding was in fact dead,
17 so that she could continue to steal funds from him and his estate."
18 (PSR ¶ 61.) The Ninth Circuit has repeatedly held that concocting
19 false stories to mislead investigators supports an obstruction of
20 justice enhancement. See, U.S. v. Rowland, 623 Fed.Appx. 343 (9th
21 Cir. 2015) (affirming obstruction of justice enhancement when
22 "Rowland falsely told law enforcement that, on the night that the
23 victim was last seen alive, Rowland witnessed the victim depart in a
24 vehicle with an unknown male."); U.S. v. Manning, 704 F.3d 584, 587
25 (9th Cir. 2012) ("concoct[ing] a story" may be treated as an
26 obstruction of justice).

27 Further, she "instructed her co-participants to destroy the
28 scene of Wilding's death, including repairing the walls and removing

1 the floorboards in order to hide any traces of Wilding's death."

2 (PSR ¶ 62.) Most disturbingly:

3 Herrling also removed Wilding's body from his home and
4 attempted to dissolve it in a vat of acid. After that did
5 not work, she then dismembered his body and took it to the
San Francisco Bay to be disposed of.

6 (PSR ¶ 62.) Both creating false evidence (such as the burner phone)
7 and destroying actual evidence warrant the obstruction enhancement.
8 USSG § 3C1.1, app. note 4(C) and (D).

9 Defendant asserts that none of these actions was even an
10 attempt to obstruct justice. Defendant attempts to reframe the
11 findings of the Probation Office as though they were based merely on
12 her denying to law enforcement that she committed the crime:

13 Defendant submits the recommended adjustment for
14 obstruction of justice should not include conduct which is
15 the gravamen of the wire fraud conspiracy. Defendant's
16 failure to advise police of Wilding's death, would result
in a violation of her right to remain silent and is a
noted limitation referenced in Application Note 2 to USSG
§3C1.1.

17 But no one ever argued that defendant was obliged to turn herself in
18 to the police, or to truthfully admit her crime when she was
19 interviewed. Such conduct does not trigger the obstruction of
20 justice enhancement. USSG § 3C1.1, app. note 2 ("A defendant's
21 denial of guilt . . . is not a basis for application of this
22 provision"). Paying witnesses to pretend to have seen Wilding, or
23 even to pretend to be him, however, does. USSG § 3C1.1, app. note
24 4(A) (enhancement applies to "unlawfully influencing a . . .
25 witness").

26 The reason this case was initiated by LAPD Homicide is that
27 Charles Wilding had disappeared, and defendant was trying to conceal
28 that fact. If not for defendant's obstructive conduct, an autopsy

1 could have revealed whether Wilding was murdered or died of natural
2 causes. Similarly, a forensic examination of his purported death
3 scene might also have done so. But defendant made that impossible
4 when she spared no effort in eradicating Charles Wilding and any
5 evidence of his death, removing even the floorboards of his bedroom
6 where he likely died. (PSR ¶ 62). The Guidelines provide that
7 merely shredding material documents triggers the obstruction
8 enhancement. USSG § 3C1.1, app. note 4(D) (enhancement applies to
9 "destroying or concealing or directing or procuring another person
10 to destroy or conceal evidence that is material to an official
11 investigation or judicial proceeding (e.g., shredding a document or
12 destroying ledgers upon learning that an official investigation has
13 commenced or is about to commence)"). Attempting to dissolve
14 Wilding, and then cutting him up and dumping him in the bay, is so
15 much worse, and so much more obstructive.

16 **F. DEFENDANT DID NOT ACCEPT RESPONSIBILITY**

17 The Probation Office found that defendant did not accept
18 responsibility for her offense. To be sure, defendant waived
19 preliminary hearing and indictment, and promptly pled guilty. There
20 is no question but that defendant would have received the full
21 three-level reduction under Section 3E1.1 if she had not
22 demonstrated through her actions that she did not accept
23 responsibility at all. But that is precisely what she did.

24 Defendant applied over \$400,000 of the proceeds she stole from
25 selling Robert Tascon's home to a downpayment on the purchase of her
26 Woodlake residence (Complaint Aff. ¶ 75.), making it subject to
27 forfeiture. Indeed, defendant's plea agreement expressly provides
28 for the forfeiture of that residence. (Plea Agreement 3.) Yet

1 defendant planned to prevent the forfeiture of her residence, the
2 proceeds of which would have been applied to restitution, by
3 transferring title to a loved one:

4 Herrling's calls while in custody include conversations
5 where she discusses putting the residence in her parent's
6 name, Shotlzberg's parents name, or any other individual.
7 Herrling then acted on this plan and even asked her mother
8 if she would be willing to assume title of the Woodlake
9 Residence.

10 (PSR ¶ 97.) Transferring property for the purpose of preventing the
11 government from forfeiting it is a felony, 18 U.S.C. § 2232.

12 Further, defendant asked one of her co-conspirators to lie to
13 the authorities and falsely implicate a different co-conspirator
14 (PSR ¶ 66), which constitutes soliciting a false statement in
15 violation of 18 U.S.C. § 1001. Criminal conduct during the pendency
16 of sentencing justifies a denial of acceptance of responsibility
17 even when the new criminal conduct is unrelated to offense of
18 conviction. See United States v. Mara, 523 F.3d 1036, 1037 (9th
19 Cir. 2008) (affirming district court's denial of acceptance of
20 responsibility where defendant who pled guilty to being a felon in
21 possession of a firearm engaged in an unrelated jailhouse fight
22 before sentencing).

23 **II. THE 3553(A) FACTORS CALL FOR A SENTENCE ABOVE THE GUIDELINE** 24 **RANGE**

25 While some of what makes this crime egregious has been captured
26 by the guidelines, the following factors have not. They would
27 militate for an above-guideline range sentence, but that is
28 impossible here as defendant's sentencing range is already bounded
by the statutory maximum sentence, 240 months in prison.
Accordingly, they justify the longest sentence the Court can impose:
twenty years in prison.

A. DEFENDANT CONTRIBUTED TO THE SUICIDE OF VICTIM ROBERT TASCON

Defendant's victim Robert Tascon committed suicide after defendant fraudulently sold his residence. (Complaint Aff. ¶ 69; PSR ¶ 47). Identity theft is a devastating crime, and stripping a troubled man of his primary asset could push him over the edge, as it appears to have done for Mr. Tascon. Travis Hartgraves, the case manager at the law firm that represented Mr. Tascon in the lawsuit over the fraudulent sale of Mr. Tascon's house, befriended Mr. Tascon, and explained:

. . . . Mr. Tascon believed there was a long-term plan to fraudulently sell the property. The house was the last thing and asset he had to his name (although he still had monthly payments from the trusts). Mr. Hartgraves said, "The fraudulent sale just about crashed him." The only time he was left alone by Ms. Williams and her father, he committed suicide.

Mr. Hartgraves, who had extensive involvement in the discovery process for the lawsuits, observed Mr. Tascon's fluctuating emotional state. Mr. Hartgraves said that Mr. Tascon would be in a good mood, then down in the dumps. Mr. Tascon told him that "I am never going to get my house back." The fraudulent sale of his home was the final straw; it consumed him. The lawsuit was more than he could deal with. Mr. Tascon did not know the people listed in the fraudulent sale of his house, like Janice Yeh and Jason Kroth. Mr. Tascon left a will bequeathing his assets to Ms. [Miracle] Williams, however with the fraudulent sale of the Encino home, he had nothing left to leave Ms. Williams.

Mr. Hartgraves law firm were engaged in a legal battle against the buyer of the Encino home; however, after Mr. Tascon's death, they did not have any funding to continue the legal fight. Mr. Hartgraves firm negotiated a small settlement for Mr. Tascon's estate.

(Exh. page 9.)

Courts have upheld upward departures even when the victims' suicide attempts were unsuccessful. E.g., United States v. Reyes-Rivera, 812 F.3d 79, 91 (1st Cir. 2016) (affirming upward departure

1 when "[s]ome of the [defendant's fraud victims] have attempted
2 suicide" even though none succeeded). The sentencing guidelines
3 themselves suggest that where a crime results in death, an upward
4 departure to near the statutory maximum would often be appropriate,
5 but not "automatic[]." Cf. USSG § 5K2.1 ("If death resulted, the
6 court may increase the sentence above the authorized guideline
7 range. Loss of life does not automatically suggest a sentence at or
8 near the statutory maximum."). Here, defendant's guideline
9 sentencing range is so much higher than the statutory maximum, that
10 it would take a *downward* departure to bring it in line with a 240-
11 month sentence, showing that no sentence short of the statutory
12 maximum would be appropriate here.

13 **B. DEFENDANT'S DESECRATION OF CHARLES WILDING'S BODY**

14 The Probation Office properly highlighted in its recommendation
15 letter defendant's desecration of the body of Charles Wilding:

16 This offense involved Herrling breaking into the home of
17 an individual, and letting their corpse rot in the home,
18 while Herrling assumed his identity and stole his family's
19 assets. When the corpse became an inconvenience to her and
20 could possibly lead to the detection of her unlawful
21 actions, Herrling desecrated the corpse by first trying to
22 dissolve it in a vat of lye, and when that did not work,
23 she violently dismembered the corpse, and scattered the
24 parts across the San Francisco Bay. Despite engaging in
25 such heinous actions, Herrling was posing and taking
26 selfies with her assistant, and posting the photos on
27 Instagram as they were scattering the dismembered body
28 parts of their victim, showing a complete lack of
reverence for their actions.

(PSR Recommendation Letter, dkt. 36, page 7.)

24 Defendant may argue that the desecration, while grisly, was
25 intended only to hide the fact of Charles Wilding's death, and was
26 therefore similar to the steps criminals often take to keep their
27 crimes unsolved.

1 But such an argument fails to consider what the desecration
2 says about defendant's character. Defendant's co-conspirators, some
3 of whom had been to prison repeatedly, did not help defendant hack
4 apart Mr. Wilding's body, a fact she often reminded them of to
5 justify keeping the lion's share of the fraud proceeds for herself.

6 It was defendant who purchased the corpse smell deodorizer,
7 cadaver bag, gloves, and toxic chemicals in hopes of liquefying Mr.
8 Wilding's body. (PSR ¶¶ 31, 36.) And it was she who turned dumping
9 his remains in the San Francisco Bay into a mini-vacation complete
10 with renting a muscle car for the ride north, smiling photographs of
11 defendant on the sailboat used to dispose of Mr. Wilding's pieces
12 (Exh. page 4), and an extravagant return to Los Angeles by private
13 jet. (PSR ¶¶ 33, 34, 37.) By all outward appearances, defendant
14 was enjoying herself and the fruits of her fraud. It takes an
15 exceptionally ruthless person to turn the disposal of a victim of
16 identity theft into a celebration.

17 **C. HERRLING PLANNED ADDITIONAL FRAUDS**

18 While the fraud she orchestrated was large, long lasting, and
19 very profitable, defendant planned additional frauds, too,
20 suggesting a great likelihood of recidivism, far in excess of that
21 predicted by her Criminal History Category of I. Indeed, she saw
22 the frauds she committed against the Wildings, the Lowensteins, and
23 Robert Tascon as templates to be used against additional victims,
24 too.

25 Defendant brought her intelligence and customary organization
26 to the task of finding more victims. In her home law enforcement
27 found:
28

1 digital spreadsheets that contained tabs with titles such
2 as "Heir Index", "Heirs Name", and "Current Balance", as
3 well as tabs containing property ID numbers. Searches of
Herrling's digital devices revealed online searches for
"millionaire" and "Obituary".

4 (PSR ¶ 54.) She also tasked her subordinates with finding more
5 victims without heirs so that no one was likely to contest her
6 looting of their estates:

7 Found a perfect match in Denver. Died suddenly in
8 February, no heirs, owned property. It's still in her
name. [Intended victim's name and address redacted].

9 (Versoza Decl. ¶ 2; text message from Kantor to defendant).

10 Defendant cast a broad net to identify potential
11 victims. On her phone, she took screen captures of Google
12 satellite view of affluent areas and marked with a pin homes
13 with algae-filled swimming pools. This identified valuable
14 real estate that had fallen into disuse, and therefore was
15 vulnerable to a takeover of the kind she did with Charles
16 Wilding's property. (Versoza Decl. ¶ 5.)

17 Defendant's plans for victimizing more persons were in some
18 cases far along. Her ipad contained additional fake wills in the
19 names of "Ritsuko Nakamura Wilson" and "Mary Held." Further,
20 defendant's phone showed she had been researching the LA County
21 Coroner's website, presumably to locate recently deceased persons
22 with sufficient assets to make her fraud worthwhile.

23 It is doubtful that the government has identified all of
24 defendant's actual and intended victims, but it is certain that
25 defendant would have victimized many more persons had she not been
26 arrested. Defendant's plans to continue victimizing others would
27 warrant an upward variance if it were possible in this case, but a
28 sentence at the statutory maximum since it is not.

1 **D. HERRLING'S "SOBER LIVING" FACILITY WAS ANOTHER FRAUD**

2 Defendant attempts to portray her use of her residence as a
3 sober living facility as an act of altruism. She claims that she
4 was motivated to start it by her "passion for helping people" (PSR ¶
5 126), not her desire for compensation. But the facts are to the
6 contrary.

7 First, defendant was able to purchase the West Hills property
8 she used as a sober living facility only because she fraudulently
9 sold Robert Tascon's property without his consent—and used over
10 \$400,000 from that theft as a downpayment for West Hills. (PSR ¶¶
11 45-46).

12 Second, it is absurd to call defendant's West Hills property a
13 sober living facility. To be sure, she billed for the services of a
14 sober living facility, but she did not provide them. Instead, as
15 defendant candidly admitted, she herself was almost always high on
16 methamphetamine. (PSR ¶ 125: "Herrling reported that in the last 26
17 years, she has only been sober for approximately 77 days," or about
18 three days per year). Her boyfriend and partner in the purported
19 sober living facility was a heroin addict (id.) who kept a gun and
20 distribution quantities of narcotics there. Indeed, as discussed
21 below, defendant personally kept many loaded and untraceable ghost
22 guns in her "sober living facility," along with a variety of hard
23 drugs (PSR ¶¶ 50-52), showing that it was just another way for her
24 to bilk the system while using it as the headquarters for her own
25 criminal schemes.

26
27
28

E. DEFENDANT'S COLLECTION OF GHOST GUNS, ASSAULT RIFLES, FAKE LAW ENFORCEMENT BADGES, AND A SILENCER SUGGEST VIOLENCE

Defendant's guideline range of 240 months in prison is based solely on the fraud she committed, and the financial danger she presents to the community. But the evidence recovered from her home, combined with her proven ability to make bodies disappear, suggest she also presents a more menacing physical danger to the community.

Defendant possessed a variety of firearms, and multiple counterfeit or stolen law enforcement badges, and a fake FBI ID card bearing her photograph. (PSR ¶ 101.) In total, there were 16 firearms in her house. (PSR ¶ 52.) Just affixed to the back of her bedroom closet door were nine firearms, including assault rifles and shotguns. (Exh. page 1.) Some of the weapons were untraceable "ghost" guns without serial numbers. Many were loaded, including the pistol defendant kept in her purse. She had a ghost pistol beside her bed and another one in a secret stash that required magnets to open. Defendant admitted that she had some guns. (Complaint Aff. ¶¶ 92-96). Defendant's possession of so many loaded and untraceable firearms is particularly troubling because she had counterfeit badges for the DEA, U.S. Diplomatic Security Service, and Beverly Hills Police Department, suggesting that she passed herself off as law enforcement. (Exh. page 2). Defendant also possessed a silencer for a firearm made out of an oil filter. (PSR ¶ 101.) Defendant's involvement with drugs, including her use of methamphetamine, further suggests that her strewing loaded and unlocked firearms throughout her home was for a criminal purpose and, in any event, was extremely dangerous. Additionally she

1 possessed actual, blank government Non-Disclosure Agreements
 2 labelled Top Secret. Given her fake badges and FBI card, Herrling
 3 could have used the Top Secret NDAs to convince persons to provide
 4 her with information she needed for her frauds, and made them feel
 5 that they could not reveal that without committing a crime.
 6 Defendant's possession of illegal and untraceable weapons and a
 7 silencer is all the more chilling because defendant demonstrated
 8 that she would stop at nothing to complete her criminal plans when
 9 she personally dismembered Charles Wilding, crushing his teeth and
 10 bones to make it harder to identify his remains; defendant does not
 11 shrink from violent and gruesome tasks the way her co-conspirators
 12 did.

13 **F. DEFENDANT'S HISTORY OF DRUG ABUSE WARRANTS DRUG TREATMENT**
 14 **AND TESTING, NOT LENIENCY**

15 It is clear that defendant has had a long-term drug problem,
 16 especially with methamphetamine. (PSR ¶¶ 137-141.) Indeed,
 17 methamphetamine use is highly associated with the illnesses
 18 defendant says she suffers from. Compare,
 19 [https://www.mayoclinic.org/drugs-supplements/methamphetamine-oral-](https://www.mayoclinic.org/drugs-supplements/methamphetamine-oral-route/precautions/drg-20071824#:~:text=This%20medicine%20may%20cause%20Raynaud's,especiall)
 20 [route/precautions/drg-](https://www.mayoclinic.org/drugs-supplements/methamphetamine-oral-route/precautions/drg-20071824#:~:text=This%20medicine%20may%20cause%20Raynaud's,especiall)
 21 [20071824#:~:text=This%20medicine%20may%20cause%20Raynaud's,especiall](https://www.mayoclinic.org/drugs-supplements/methamphetamine-oral-route/precautions/drg-20071824#:~:text=This%20medicine%20may%20cause%20Raynaud's,especiall)
 22 [y%20when%20exposed%20to%20cold](https://www.mayoclinic.org/drugs-supplements/methamphetamine-oral-route/precautions/drg-20071824#:~:text=This%20medicine%20may%20cause%20Raynaud's,especiall) and
 23 [https://www.sciencedirect.com/topics/nursing-and-health-](https://www.sciencedirect.com/topics/nursing-and-health-professions/limited-scleroderma)
 24 [professions/limited-scleroderma](https://www.sciencedirect.com/topics/nursing-and-health-professions/limited-scleroderma), with PSR ¶¶ 132-133. "Chronic
 25 methamphetamine abuse has devastating effects on the central nervous
 26 system. . . . The mainstay of treatment for the problems associated
 27 with chronic methamphetamine abuse is abstinence."

28 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3148451/>

1 It is to be hoped that defendant's forced abstinence from
2 illicit drugs while in prison will help her body to heal. Because
3 "[s]ubstance abuse is highly correlated to an increased propensity
4 to commit crime," drug "dependence or abuse ordinarily is not a
5 reason for a downward departure." USSG § 5H1.4. Instead, the
6 guidelines properly emphasize substance abuse treatment: "[I]t is
7 highly recommended that a [substance abusing] defendant who is
8 incarcerated also be sentenced to supervised release with a
9 requirement that the defendant participate in an appropriate
10 substance abuse program." Id. The government hopes that defendant
11 will take advantage of the myriad drug treatment programs available
12 in prison, including especially the Residential Drug Abuse Program
13 ("RDAP"), for which she appears eligible, and which can reduce the
14 amount of time she actually spends in prison, as described below.

15 **G. A NOMINAL SENTENCE OF 240 MONTHS IN THIS CASE MAY MEAN**
16 **LESS THAN ELEVEN YEARS ACTUALLY IN PRISON**

17 There are now so many ways for a defendant to reduce the time
18 she actually serves in prison that it is difficult for a sentencing
19 court to understand how a nominal sentence will translate into
20 months in prison. To make a concrete example, let us assume that
21 the Court imposes a nominal sentence on defendant of 240 months.
22 First, provided defendant does not misbehave, she would reduce her
23 sentence by 54 days per year for good time credit, or almost three
24 years (1,080 days) total in this example. 18 U.S.C. 3624(b)(1) ("a
25 prisoner . . . may receive credit toward the service of the
26 prisoner's sentence of up to 54 days for each year of the prisoner's
27 sentence imposed by the court"). Second, if defendant completed
28 RDAP, she could reduce her sentence by up to another 12 months. 18

1 U.S.C. § 3621(e)(2)(B) (the RDAP "reduction may not be more than one
2 year from the term the prisoner must otherwise serve"). Finally,
3 under the First Step Act, defendant could earn up to 15 days of
4 "earned time credit" for each 30 days in prison. 18 U.S.C.
5 § 3632(d)(4)(i) & (ii) (prisoners "shall earn 10 days of time
6 credits for every 30 days of successful participation in evidence-
7 based recidivism reduction programming or productive activities,"
8 and those with the low recidivism scores "shall earn an additional 5
9 days of time credits for every 30 days," or 15 days of earned time
10 credit per 30 days of prison). Up to one year of this earned time
11 credit can be applied toward early placement on supervised release.
12 18 U.S.C. § 3624(g)(3) ("the Bureau of Prisons may transfer the
13 prisoner to begin [a] term of supervised release at an earlier date,
14 not to exceed 12 months, based on the application of [earned] time
15 credits"). Further, a defendant can be "prereleased" from prison to
16 a halfway house or home confinement as soon as her remaining "earned
17 time credits" equal her remaining sentence. 18 U.S.C.
18 § 3624(g)(1)(A) (a prisoner is eligible for "prerelease custody"
19 when she "has earned time credits . . . in an amount that is equal
20 to the remainder of the prisoner's imposed term of imprisonment").
21 In the example above, defendant's nominal sentence of 240 months is
22 reduced by 36 for good time credit, and 12 for RDAP, reducing it to
23 about 192 months. After defendant serves about 128 months in
24 prison, she could have enough "earned time credit" to be released to
25 either a community confinement center or, because those are usually
26 over full, home confinement. Thus a nominal 240 month sentence in
27 this case could translate into less than 11 years of actual prison
28 time.

1 **III. CONCLUSION**

2 For the reasons stated above, the Court should sentence
3 defendant to the statutory maximum, 240 months in prison, followed
4 by three years of supervised release, as recommended by the
5 Probation Office.

6 Dated: January 25, 2024

Respectfully submitted,

7 E. MARTIN ESTRADA
8 United States Attorney

9 MACK E. JENKINS
10 Assistant United States Attorney
Chief, Criminal Division

11 */s/Andrew Brown*

12

ANDREW BROWN
Assistant United States Attorney

13 Attorneys for Plaintiff
14 UNITED STATES OF AMERICA

Declaration of Lyndon Versoza

I, LYNDON VERSOZA, do hereby declare and affirm:

1. I have been a Postal Inspector since 2005. LAPD Homicide asked me to join this investigation because I specialize in federal financial crimes and money laundering investigations.

2. I have reviewed the accompanying brief, which contains many quotations from digital devices seized in this investigation. The quotations accurately reflect what was on the digital devices.

3. I have attached several exhibits in this case, which are true and correct copies taken from discovery.

4. I have attempted to trace the proceeds of the frauds in this case. It is not possible to do so completely, however, because some of the money was withdrawn as cash. Nevertheless, the person who received the most money is clearly Caroline Herrling. Of the \$3,887,051 conservative calculation of losses, I traced an approximate amount of about \$2.069 million which was deposited or passed through accounts controlled by Caroline Herrling. Some of this she gave to others, as described below. But just from the Robert Tascon fraud she kept for herself over \$400,000 of the proceeds to purchase real property held in her name. The extant financial records show that the next most highly paid conspirator was Jason Kroth, who got at least \$240,000. Most of the other participants received far less. Financial records show, for example, that Caroline Herrling paid the following co-conspirators the following amounts:

Hadley Pelletier: \$67,000

Kenneth Salinas: \$5,000

James Kantor: \$64,000

1 Samuel Shtolzberg: \$40,000

2 5. On Caroline Herrling's phone, I saw screen captures of
3 Google satellite view of affluent areas, which had homes with algae-
4 filled swimming pools marked by pins. This identified valuable real
5 estate that had fallen into disuse and may not have been occupied,
6 and therefore was vulnerable to a takeover of the kind she did with
7 Charles Wilding's property.

8 6. From speaking with attorney Rodney Gould and reviewing
9 court documents, I learned that the heirs who would have inherited
10 the Charles Wilding estate included Lawrence Eckert, Pamela Sokol,
11 and Susan Smith.

12 7. From speaking with attorney Neal Jannol and reviewing
13 court documents, I learned that the heirs who would have inherited
14 the Lowenstein estate included Christine Nealy. While it is to be
15 hoped that she will recover the purchase price of Lowenstein home
16 that defendant arranged to be sold, she is nevertheless out of
17 pocket because the conspirators stole and sold the art work and
18 other collectibles from the estate. From reviewing records, I have
19 learned that these collectibles from the estate were possibly worth
20 hundreds of thousands of dollars.

21 8. I reviewed the forged Lowenstein will and saw that it
22 contained the identifying information of a real person, Jocelyn
23 Korchak, who was falsely listed as a purported witness on the forged
24 Lowenstein will.

25 ///

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1 I declare under penalty of perjury that the foregoing is true
2 and correct to the best of my knowledge.

3 Dated: January 24, 2023

4 /s *Lyndon Versoza*

5 Inspector Lyndon Versoza
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